



750 SPRING DRIVE
HOUSTON, TX 77057-2198
PHONE 713.787.1400
FAX 713.787.1430
A LORETTO LEADERSHIP PARTNERSHIP

II. ARGUMENTS

REJECTION UNDER 35 U.S.C. § 103(A):

Claims 1-6, 8-10 and 12-25 have been rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 5,796,055 to Benson, Jr. et al. (hereinafter "Benson") in view of United States Patent No. 5,932,329 to Frost et al. (hereinafter "Frost"). Applicants respectfully traverse these rejections and ask the Examiner to withdraw these rejections in view of the following arguments.

Benson is directed toward a sound absorbing glazing and not an intrusion resistant glass laminate, as is the case with the present invention. Accordingly, Benson includes a sound dampening layer in its laminate. Applicants now have cancelled Claims 8, 13, and 25 which included a layer of sound attenuating elastomer. Accordingly, with the exception of claim 9, each of the independent claims of the presently claimed invention "consists essentially of" some combination of a sheet of PET between two layers of PVB, with a sound dampening layer being nowhere to be found.

The Examiner's explanation of how the Benson teachings are being applied to the instant claims is not consistent with the actual teachings of Benson. The "sheets" the Examiner refers to that may be of any thickness at Benson, col. 3, ll. 45-46, are actually the outer glass sheets 22 and 24 of the laminate, not sheets of PVB. Likewise, the "sheets" the Examiner refers to that may be increased to raise the stiffness of the article at Benson, col. 9, l. 63 to col. 10, l. 4, are the intermediate polyester sheets 74 and 76, not sheets of PVB. Therefore, the Examiner is not comparing apples to apples when stating that the PVB sheets can be increased to raise the stiffness of the article.

Furthermore, Frost is directed to improving laminate optical performance by reducing a shrinkage effect commonly referred to as "hammering". This is taught to be accomplished if the coated support film (PET) is glued on at least one side comparatively firmly to a glass by a very thin adhesive (PVB) layer. Accordingly, this structure is quite unlike the presently claimed composite laminate interlayer and it would not have been obvious to assemble into the Frost structure a PVB adhesive layer having a thickness of 0.25 to 2 millimeters and a glass transition

HOWREY SIMON ARNOLD & WHITE, LLP

Serial No.: 09/737,234
12598.0128.NPUS00
Page 2

temperature greater than 35 degrees (Claim 1), or a laminate featuring layers of PVB having a thickness of 0.25 to 2 millimeters with a maximum flexural modulus greater than 350 N/cm (Claim 9). These two improvements claimed herein do not include being glued on at least one side comparatively firmly to a glass by a very thin adhesive (PVB) layer to avoid a "hammering" effect. Therefore, according to the expressed teachings of Frost, the improvements disclosed and claimed herein would have the tendency to impair the optical quality of laminates, and would not be useful in the Frost laminate structure.

Benson is directed to a sound dampening laminate. Frost is directed to a laminate with improved optical performance. The combination, therefore, would lead one of ordinary skill in the art to improve the optical performance of a sound dampening layer, or improve the sound dampening of a laminate of improved optical performance. In contrast to each of these, the present invention is directed to improved laminate stiffness and intrusion resistance. The field of laminate stiffness and intrusion resistance is distinct from both laminate sound dampening and laminate improved optical performance layers, and therefore is not analogous art within the realm of glass laminates as a whole. Nevertheless, even in a strained attempt of taking Benson in view of Frost, the present claims are not obvious in view of this combination for the above mentioned reasons.

Given the above, Applicants respectfully request that the rejection of claims 1-6, 8-10 and 12-25 under 35 U.S.C. §103(a) be reconsidered and withdrawn and that the Examiner indicate the allowance of those claims and all dependent claims in the next paper from the Office.

A three month extension of time is requested, thus extending the deadline for response up to and including June 23, 2003. Applicants hereby request any additional extension of time that may be deemed necessary to further the prosecution of this application. Applicants' representative hereby authorizes the Commissioner charge the extension of time fees to Deposit Account No. 01-2508/12598.0128.NPUS00.

Applicants' representative further authorizes the Commissioner to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 01-2508/12598.0128.NPUS00.

HOWREY SIMON ARNOLD & WHITE, LLP

Serial No.: 09/737,234
12598.0128.NPUS00
Page 3

In order to facilitate the resolution of any issues or questions presented by this paper, Applicants respectfully request that the Examiner directly contact the undersigned by phone to further the discussion, reconsideration and allowance of the claims.

Respectfully submitted,

~~Matthew F. Steinheimer
Attorney for Applicants
Reg. No. 47 968~~

Reg. No. 47,308
Telephone: (713) 787-1516

Telephone: (415) 787-1518
Date: 7/1/98 Accts. Rec.

Date: June 20, 2003